

hath not properly and legally accounted for the proceeds of the said real and personal estate which came or should have come to his hands as trustee and executor as aforesaid, never having paid any part thereof to the Connors. That most of said real and personal estate hath been, in the lifetime of the said Mary Conner, by gross violation of duty and breach of trust of said Benjamin Ogle, and by his conspiracy with the children of the said Mary by her former husband, and others, to injure and oppress the complainants, misapplied and illegally appropriated in a greater or less amount, to the exclusive use and advantage of the children of the said Mary by George Bevans, her former husband; whereas, no part of the principal thereof could legally be divided until the death of the said Mary, and on that event should all have been divided equally among all the children of said Mary, including complainants. That a portion of the money so bequeathed to all the children of the said Mary, was illegally and in violation of his duty as trustee, invested by Benjamin Ogle in the purchase of a tract of land in Frederick county, in his name, to be held by him in trust for the use of said Mary Conner during her life, and after her death, in trust for her surviving children by her former husband, Bevans. A copy of the deed conveying the land is exhibited with the bill.

The bill then prays that Anna M. Ogle, as executrix of Benjamin Ogle, may account for the personal estate, and proceeds of the real estate of Henry M. Ogle, received by him as executor and trustee, with such interest as he should be chargeable with, and that Laura Bevans, John T. Bevans and William C. Ogle, as representing his deceased wife, Mary R. Bevans, may account for the sums of money and property paid over and conveyed to them severally as parts of the estate of the said testatrix, and the profits thereof, and that the land in Frederick county so purchased by Benjamin Ogle, and conveyed to him in trust, may be assured to complainants, or sold for the purposes of division, and for general relief.

The answer of Mrs. Anna M. Ogle, as executrix of Benjamin Ogle, relies upon the facts before stated in relation to the